

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE CERVANTES-OCHOA,

Defendant.

Case No. 2:24-mj-00563-MDC

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant needs additional time to review discovery received in this case. And counsel for the defendant needs additional time to adequately advise the defendant regarding possible defenses as well as the plea offer extended by the Government.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the defendant sufficient time to review any discovery materials provided by the Government.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
9 United States Code, § 3161(h)(7)(B)(i), (iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled for January
12 22, 2025, at the hour of 9:00 a.m., be vacated and continued to February 26, 2025 at the hour
13 of 9:00 a.m. in LV Courtroom 3A.

14 DATED this 21st day of January, 2025 .

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18 UNITED STATES MAGISTRATE JUDGE
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